IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Bail Appl..No. 4817 of 2007()

CMP.2118/2007 of J.M.F.C.,AMBALAPUZHA
CRIME NO.42/97 OF ALAPPUZHA EXCISE RANGE

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PETITIONER/1ST ACCUSED

BAIJUMON, AGED 34, S/O. THANKAPPAN,
CHERUMANDIL VEEDU, ARIKUZHA DESOM,
MANAKKADU VILLAGE, THODUPUZHA TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VIVEK VARGHESE P.J.

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
EXCISE INSPECTOR, EXCISE RANGE OFFICE,
ALAPPUZHA, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4817 of 2007

Dated this the 9th day of August 2007

O R D E R

Application for regular bail. The petitioner is the first accused. He, along with the co-accused was allegedly found to travel in a vehicle which carried 630 litres of spirit. The vehicle was intercepted. The second accused allegedly took to his heels. He has not been apprehended so far. The petitioner was arrested at the spot. The name of the petitioner figures in the seizure mahazer and the F.I.R. The petitioner continues in custody from 9/7/2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He prays that the petitioner who is remaining in custody from 9/7/2007 may now be enlarged on bail. The application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that the petitioner has a history of criminal antecedents. Investigation is not complete. The petitioner may not be enlarged on bail, it is prayed.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 23/08/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007